

EXHIBIT

C

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DARRYL ASHMORE,

Plaintiff,

vs.

Case No. 9:16-cv-81710-KAM

NFL PLAYER DISABILITY &
NEUROCOGNITIVE BENEFIT PLAN,

Defendant.

RESPONSE TO PLAINTIFF'S INITIAL REQUESTS FOR PRODUCTION

1. Any and all claims procedures, manuals, internal rules, guidelines, protocols or instructive memoranda that refer to the Defendant's procedures regarding total and permanent disability ("T&P") applications.

RESPONSE: Defendant interprets this request as seeking copies of any internal claims manuals, procedure manuals, or other written guidelines available to or used by NFL Player Benefits Office staff, the Disability Initial Claims Committee, or the Disability Board when processing or deciding Plaintiff's application for T&P benefits.

Subject to the foregoing interpretation, Defendant has no documents responsive to this request, other than those which have already produced to Plaintiff as part of the administrative record, and the summary plan description, *see* ASHMORE-PROD-043–ASHMORE-PROD-104.

To the extent Plaintiff's request seeks documents different from or in addition to those falling within Defendant's interpretation, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

2. Any and all documents which refer to, relate to and/or otherwise evidence Defendant's compliance with the Department of Labor Regulations regarding establishing and maintaining reasonable procedures governing disability benefit claims and appeals procedures.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

3. All “relevant” documents as defined by ERISA’s claim procedure regulations, 29 C.F.R. § 2560.503-1(m)(8)(i)-(ii).

RESPONSE: Other than the documents already produced to Plaintiff as part of the administrative record, Defendant has no documents responsive to this request.

4. All documents detailing, listing, or referencing the qualifications, training, education and experience of all individuals who participated in or were involved in any way in the analysis, review, and determinations made throughout the application process in Mr. Ashmore’s application for T&P benefits.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff’s claim(s).

5. All documents including but not limited to notes, files and activity logs of all Defendant employees, including but not limited to physician advisors, working on, participating, reviewing, in or handling Plaintiff’s application for T&P benefits.

RESPONSE: In addition to the documents produced to Plaintiff as part of the administrative record, *see* ASHMORE-PROD-001–ASHMORE-PROD-042. The documents were retrieved from email files maintained by Paul Scott and Elise Richard, the two NFL Player Benefits Office staff members involved with the processing of Plaintiff’s application for T&P benefits.

To the extent Plaintiff’s request seeks documents different from or in addition to those already produced, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff’s claim(s).

6. All documents identified in Defendant’s answers to Plaintiff’s Interrogatories.

RESPONSE: Defendant has already produced all documents identified in response to Plaintiff’s interrogatories.

7. A true and complete copy of the NFL Player Disability and Neurocognitive Benefit Plan and summary plan descriptions and any other plan documents for same in effect on or before the date Mr. Ashmore filed his application for T&P benefits.

RESPONSE: Defendant has already produced a true and complete copy of the Plan

Document for the NFL Player Disability & Neurocognitive Benefit Plan. *See* ASHMORE-001- ASHMORE-071.

See ASHMORE-PROD-043– ASHMORE-PROD-104.

To the extent Plaintiff's request seeks copies of historical Plan documents and summary plan descriptions, Defendant objects on the grounds that the request is overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

8. Copies of each and every curriculum vitae, resume, or other documents listing the qualifications of all medical experts employed by, contracted with, or otherwise, whose advice was obtained by Defendant in connection with the Plaintiff's application for T&P benefits without regard to whether the advice was relied upon.

RESPONSE: Defendant obtained no such advice, and therefore Defendant has no documents responsive to this request.

9. All names of individuals involved in the decision to deny Mr. Ashmore's application for T&P benefits on November 02, 2015, including all members of the Disability Initial Claims Committee ("Committee").

RESPONSE: Refer to Defendant's response to interrogatory number 5.

10. All documentation including, but not limited to medical records, and written correspondences relating to Mr. Ashmore's application for T&P disability benefits presented to the Committee, and any other decision makers, for review prior to the November 02, 2015 meeting.

RESPONSE: Refer to Defendant's response to interrogatory number 6.

11. All notes, comments, correspondences, and documents, generated by any and all employees, agents, or representatives of Defendant relating to Plaintiff's request to reschedule and relocate the medical examinations initially scheduled for October 16th, 20th, and 22nd of 2015.

RESPONSE: In addition to the documents produced to Plaintiff as part of the administrative record, *see* ASHMORE-PROD-001– ASHMORE-PROD-042. The documents were retrieved from email files maintained by Paul Scott and Elise Richard, the two NFL Player Benefits Office staff members involved with the processing of Plaintiff's application for T&P benefits.

To the extent Plaintiff's request seeks documents different from or in addition to those

already produced, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

12. All notes, comments, correspondences, and documents, generated by any and all employees, agents, or representatives of Defendant relating to the Defendant's subsequent decision to reschedule and relocate the medical examinations to November 2nd, 3rd, and 4th of 2015.

RESPONSE: In addition to the documents produced to Plaintiff as part of the administrative record, *see* ASHMORE-PROD-001–ASHMORE-PROD-042. The documents were retrieved from email files maintained by Paul Scott and Elise Richard, the two NFL Player Benefits Office staff members involved with the processing of Plaintiff's application for T&P benefits.

To the extent Plaintiff's request seeks documents different from or in addition to those already produced, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

13. All notes, reports, comments, correspondences, and documents, generated by any and all employees, agents, or representatives of Defendant relating to Plaintiff's request for accommodations regarding the medical examinations rescheduled November 2nd, 3rd, and 4th of 2015.

RESPONSE: In addition to the documents produced to Plaintiff as part of the administrative record, *see* ASHMORE-PROD-001–ASHMORE-PROD-042. The documents were retrieved from email files maintained by Paul Scott and Elise Richard, the two NFL Player Benefits Office staff members involved with the processing of Plaintiff's application for T&P benefits.

To the extent Plaintiff's request seeks documents different from or in addition to those already produced, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

14. All notes, reports, comments, correspondences, and documents, generated by any and all employees, agents, or representatives of Defendant relating to the Defendant's subsequent refusal to grant Mr. Ashmore's requests for accommodation.

RESPONSE: In addition to the documents produced to Plaintiff as part of the administrative record, *see* ASHMORE-PROD-001–ASHMORE-PROD-042. The documents were retrieved from email files maintained by Paul Scott and Elise Richard,

the two NFL Player Benefits Office staff members involved with the processing of Plaintiff's application for T&P benefits.

To the extent Plaintiff's request seeks documents different from or in addition to those already produced, Defendant objects on the grounds that the request is vague and ambiguous, overly broad as to time and scope, and not reasonably calculated to lead to the discovery of evidence relevant to Plaintiff's claim(s).

15. All documents, manuals, internal rules, procedures, and guidelines in whatever name and whatever form in existence in 2015 through present that explains how Defendant handles requests for travel accommodations and requests to reschedule and/or relocate medical examinations.

RESPONSE: Defendant has no documents responsive to this request beyond those already produced to Plaintiff as part of the administrative record.

16. All documentation, relating to Mr. Ashmore's requests for travel accommodations and requests to reschedule and/or relocate the scheduled medical examinations, presented to the Committee for review.

RESPONSE: Refer to Defendant's response to interrogatory number 6.

17. All documentation including, but not limited to medical records, and written correspondences relating to Mr. Ashmore's application for T&P benefits presented to the Board, or other decision makers, for review prior to the August 17, 2016 meeting.

RESPONSE: Refer to Defendant's response to interrogatory number 20.

18. All documents, electronic records, audio recordings, or videos reflecting verbal and/or written communications or correspondences between Defendant and legal counsel for Defendant during the application process.

RESPONSE: Defendant has no documents responsive to this request beyond those already produced to Plaintiff as part of the administrative record.

19. All documents, electronic records, audio recordings, and/or videos reflecting verbal and/or written communications or correspondences between Defendant and Mr. Ashmore's medical physicians and/or their medical personnel.

RESPONSE: Defendant has no documents responsive to this request.

20. All reports, notes, comments, correspondence and documents, by whatever name, in whatever form generated or authored by any and all medical personnel employed or consulted by the Defendant in this application for T&P benefits whether or not said information was included in Defendant's administrative record.

RESPONSE: Defendant has no documents responsive to this request.

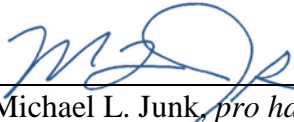
21. All documents, procedures, guidelines, memos, in whatever name and whatever form in existence in 2015 through present that explains how to handle applications for T&P benefits.

RESPONSE: Refer to Defendant's response to request number 1.

22. Any and all claims procedures, manuals, internal rules, guidelines, or protocols that refer to the Defendant's process for deciding which documents to present to the Committee and the Board for review during the application and appeals process.

RESPONSE: Refer to Defendant's response to request number 1.

Dated: June 5, 2017


Michael L. Junk, *pro hac vice*
Groom Law Group, Chartered
1701 Pennsylvania Avenue NW
Washington, DC 20006
P: (202) 857-0620
F: (202) 659-4503
mjunk@groom.com

Brian D. Equi
Goldberg Segalla
Florida Bar ID No. 143936
121 S. Orange Ave., Suite 1500
Orlando, FL 32801
P: (407) 458-5605
F: (407) 458-5699
BEqui@goldbergsegalla.com


COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2017, a true and correct copy of the foregoing RESPONSE TO PLAINTIFF'S INITIAL REQUESTS FOR PRODUCTION was served upon the following counsel of record for Plaintiff in the manner indicated below:

Edward Dabdoub
Dabdoub Law Firm, P.A.
1600 Ponce de Leon Boulevard, Suite 1205
Coral Gables, FL 33134
eddie@longtermdisability.net
(by e-mail)

Dated: June 5, 2017


Michael L. Junk, *pro hac vice*
Groom Law Group, Chartered